

**RECEIVED  
CENTRAL FAX CENTER**

**APR 11 2005**



Attorneys at Law

Suite 2800 1100 Peachtree St.  
Atlanta GA 30309-4530  
t 404 815 6500 f 404 815 6555  
www.KilpatrickStockton.com

April 11, 2005

**FAX**

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Centralized Fax Dept. GAU 2125 Examiner Clemence S. Han	703.872.9306	U.S. Patent and Trademark Office Alexandria, VA 22313-1450

Brenda O. Holmes

FROM

18  
PAGES (WITH COVER)

6559

REFERENCE NO

44471/249027

CLIENT/MATTER NO.

**PLEASE CALL 404 815 6497 IF YOU HAVE DIFFICULTY WITH THIS TRANSMISSION.**

**CONFIDENTIALITY NOTE:**

The information contained in this fax message is being transmitted to and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copy of this fax is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and destroy this fax message.

**COMMENTS**

Applicant:

Katsuhiro SHIMANO et al.

Title:

Path Network and Path Network Operation Method Using  
Conversion of Protection Path into Working Path

Serial No./Docket No.:

09/698,884

44471/249027

Filed:

10/28/2000

**PAPERS SUBMITTED:**

1. PTO/SB/21 - Transmittal form;
2. PTO/SB/06 - Patent Application Fee Determination Record;
3. First Response In application to non-final Office Action of 01/10/2005/04;
4. Application Data Sheet.

Date: April 11, 2005

By: Brenda O. Holmes, Reg. No. 40,339

**TO BE COMPLETED BY KS OPERATIONS CENTER**

**TRANSMISSION RECEIPT DATE/TIME:** \_\_\_\_\_

**COMPLETED BY:** \_\_\_\_\_

**JOB CODE**

47225

ATLANTA AUGUSTA CHARLOTTE LONDON RALEIGH STOCKHOLM WASHINGTON WINSTON-SALEM

PAGE 1/18 \* RCVD AT 4/11/2005 3:58:57 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-1/9 \* DNIS:8729306 \* CSID:404 815 6555 \* DURATION (mm-ss):06-00

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/698,884
	Filing Date	10/28/2000
	First Named Inventor	Katsuhiko SHIMANO et al.
	Art Unit	2665
	Examiner Name	Clemence S. Han
Total Number of Pages In This Submission	Attorney Docket Number	44471/249027

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) PTO/SB/06 - Fee Determination Record; and 2) Application Data Sheet.
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	KILPATRICK STOCKTON LLP	
Signature	<i>Brenda O. Holmes</i>	
Printed name	Brenda O. Holmes	
Date	04-11-2005	Reg. No. 40,339

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO's Centralized Facsimile Number (703) 872.9306 on the date shown below.		
Signature	<i>Janie Wilkins</i>	
Typed or printed name	Janie Wilkins	Date 4/11/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

APR 11 2005

PTO/SB/06 (12-04)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD					Application or Docket Number 09/698,884	
Substitute for Form PTO-875						
APPLICATION AS FILED - PART I						
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	
BASIC FEE (37 CFR 1.18(a), (b), or (c))	N/A	N/A		N/A		N/A 710
SEARCH FEE (37 CFR 1.18(k), (l), or (m))	N/A	N/A		N/A		N/A
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A		N/A
TOTAL CLAIMS (37 CFR 1.18(i))	20	minus 20 = 0		x	=	x 18 = 0
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4	minus 3 = 1		x	=	x 80 = 80
APPLICATION SIZE FEE (37 CFR 1.16(a))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(i))						
* If the difference in column 1 is less than zero, enter "0" in column 2.						
TOTAL						
APPLICATION AS AMENDED - PART II						
(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR OTHER THAN SMALL ENTITY
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(p))	20	20	= 0	x	=	x 9 = 0
Independent (37 CFR 1.16(q))	4	4	= 0	x	=	x 43 = 0
Application Size Fee (37 CFR 1.16(s))						
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(i))						
TOTAL ADD'L FEE						
(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR OTHER THAN SMALL ENTITY
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(p))	18	20	= 0	x	=	x 25 = 0
Independent (37 CFR 1.16(q))	4	4	= 0	x	=	x 100 = 0
Application Size Fee (37 CFR 1.16(s))						
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(i))						
TOTAL ADD'L FEE						
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".						
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.						

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

APR 11 2005

PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Katsuhiro SHIMANO et al.

Serial No. 09/698,884

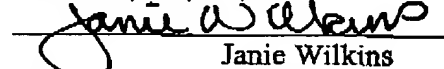
Filed: October 28, 2000

For: Path Network and Path Network  
Operation Method Using Conversion  
of Protection Path into Working Path

Art Unit: 2665

Examiner: Han, Clemence S.

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being transmitted to the  
United States Patent Office Centralized Facsimile Number  
(703.872.9306), on April 11, 2005.  
Janie Wilkins

DATE: April 11, 2005

## SECOND RESPONSE

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Office action dated January 10, 2005 in the patent application identified above, please reconsider the application in view of the appended remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 12 of this paper.